

splendid Texas citizens, dependent on 464 miles of the Orient Railroad, traversing the western part of the State from Chillicothe on the north to Alpine on the south, are threatened with being deprived of this magnificent transportation system. It is of profound importance that no such unspeakable tragedy occur to any of the people of this great State. It is estimated that such a catastrophe would cause to the individual citizens of Texas the losses of more than a hundred million dollars in property value, destruction to homes, and the taking away of the very birthright of our citizens. And then, too, but perhaps of minor importance, a loss to the State of \$750,000 annually in taxes.

If we are to judge from the program that has been broadcasted over the State of Texas, it is possible for the most valuable time of this distinguished body of men and the administrative branch of government to be spent in a program of catching a few bootleggers and incarcerating them in the walls of our already sadly burdened penitentiary system; there to increase its losses and add to the tax payers' burdens. Is it not possible to understand if this body's deliberations resulted in constructive development throughout the entire commonwealth, that perchance some of these bootleggers might engage in the less hazardous and more profitable occupation of a real man's work? Such cannot be so unless they are given the opportunity. I predict that the Thirty-eighth Legislature of Texas, and particularly the Senate of Texas, as I know them to be, will draw a sharp contrast between the much discussed puny piffling program of law enforcement, and the larger, broader vision of constructive legislation. That it will recognize and deal properly with a program of law enforcement as it ought to do, but not major in that particular branch.

In conclusion, I want to thank the Thirty-seventh Senate for the many, many courtesies you have extended to me while I have been your presiding officer. I want to thank you for the co-operation you have given me. It has been the most wonderful experience of my life; one that I shall never forget; one that will go down engraved in my memory as an un-

forgettable and pleasant experience. And with these few words—which I hope have not displeased you—may I say that forever I shall remember each and every one of you with the kindest of feelings. I thank you.

Prayer Offered by Willie Hurtt.

Our gracious Heavenly Father, be with us during this day of sunshine. We thank Thee for Thy blessings that Thou hast bestowed upon us.

Now may Your blessings be with us during this day, forgive us of our sins, be with us during the hour of death, and finally in heaven save us, we ask in Jesus' name.

Amen.

Committee Reports.

Committee Room,

Austin, Texas, Jan. 10, 1923.

Honorable Lynch Davidson, President of the Senate:

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 2 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Committee Room,

Austin, Texas, Jan. 10, 1923.

Honorable Lynch Davidson, President of the Senate:

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 1 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

THIRD DAY.

Senate Chamber,

Austin, Texas,

Thursday, January 11, 1923.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Lynch Davidson.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.
Baugh.
Bledsoe.
Bowers.
Burkett.
Cousins.
Darwin.

Davis.
Doyle.
Dudley.
Holbrook.
Lewis.
McMillin.
Murphy.

Parr.	Thomas.
Pollard.	Turner.
Rice.	Watts.
Ridgeway.	Witt.
Rogers.	Wood.
Strong.	Woods.
Stuart.	

Absent.

Floyd.

Absent—Excused.

Clark.	Fairchild.
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Prayer by Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Murphy.

Excused.

On account of illness in his family:

Senator Clark for today and until next Monday on motion of Senator Bailey.

(Senator Dudley in the Chair.)

Bills and Resolutions.

By Senator Murphy:

S. B. No. 47, A bill to be entitled "An Act to amend Article 151, Title 10, of the Revised Statutes of the State of Texas, relating to the writ for the apprehension of persons who are lunatics or non compos mentis and their detention, prohibiting the incarceration of such persons in county jails in counties where city or county hospitals exist, providing that they shall be detained in such county or city hospitals, and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Woods:

S. B. No. 48, A bill to be entitled "An Act relating to and providing for vocational education, accepting and validating previous acceptances of the benefits of an Act passed by the Congress of the United States, approved on February 23rd, 1917, for the promotion of vocational education, designating the State Treasurer of the State of Texas as custodian for the reception and disburse-

ment of all funds allotted to this State from appropriations made by the said Act of Congress; designating and authorizing the State Board of Education as the State Board of Vocational Education, to act in co-operation with the Federal Board of Vocational Education in the administration of the provisions of said Act; making an appropriation of \$223,038.42, or so much thereof as may be necessary for the fiscal year 1923-24, and an appropriation of \$167,723.90, or so much thereof as may be necessary, for the fiscal year 1924-25, naming conditions under which aid may be extended by the State Board of Vocational Education and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Davis:

S. B. No. 49, A bill to be entitled "An Act to create and provide for a Department of Insurance, for the State of Texas, separate and distinct from the Department of Banking of this State, to provide for the appointment, term of office, name, compensation and to prescribe the qualifications and the powers and duties of the head of such department; to provide for a seal of such office; to require of the Commissioner of Insurance an oath of office, and a bond, for the faithful discharge of his duties. To provide for Deputy Commissioner, and to define the duties and powers and obligations of the Deputy Commissioner, and to provide for actuaries and examiners, and for clerical help for such department. To amend Chapter 7 of Title 65 of the Revised Statutes of the State of Texas, and particularly to amend Articles 4485, 4486, 4487, 4488, 4489, 4490, 4491, and 4492, and to repeal all laws and parts of laws in conflict herewith, and to declare an emergency."

Read first time and referred to Committee on Banking and Insurance.

By Senator Davis:

S. B. No. 50, A bill to be entitled "An Act to establish reciprocity between insurance companies organized under the laws of the State of Texas, and those of other states or foreign countries, imposing on such foreign insurance companies and their agents the same requirements,

conditions and the payment of such sums of money, whether as taxes, license, fees, fines, penalties, or deposits of securities, as may be required by the home state of such foreign insurance company or companies, of companies organized in this State or the agents thereof, and empowering the Commisisoner of Insurance and Banking to refuse or cancel permits of foreign insurance companies where permits of Texas companies would be refused or cancelled in such foreign State or territory."

Read first time and referred to Committee on Insurance and Banking.

By Senator Davis:

S. B. No. 51, A bill to be entitled "An Act to amend Section 2 of Chapter 57 of the General Laws of the State of Texas, passed at the Regular Session of the Thirty-first Legislature, 1909, by substituting therefor a new section; providing for the appointment of a Clerk of the Court of Criminal Appeals; fixing his salary and defining his powers and duties; abolishing the salary of Deputy Clerk of said court; repealing all laws in conflict herewith and declaring an emergency."

Read first time and referred to Committee on Judicial Districts.

By Senators Holbrook, Bowers and Dudley:

S. B. No. 52, A bill to be entitled "An Act to regulate the business of banking in this State when conducted by concerns operating under charters obtained in Texas prior to the adoption of the Constitution in 1876, and placing them under the provisions of Chapters I to VI, inclusive, Title XIV, of Vernon's Sayles' Revised Statutes of Texas; declaring that from and after the passage of this Act it shall be unlawful thereafter for any person, association of persons, partnership or trustee, or trustees acting under any common law declaration of trust to organize or establish or begin the operation of any private banking institution or private banking business within this State, preserving the rights of those who at the time this Act becomes effective, and have been for five years next preceding said date, actively engaged in the banking business within this State; making it unlawful to advertise, use or put

forth any sign as a bank, trust company, bank and trust company or savings bank, or to in any way solicit or receive business as such, or to use as their name or part of their name on any sign, advertising or letter head, or envelope, the word bank, banker, banking, banking company, trust, trust company, bank and trust company, savings bank, savings or any other term which may or might be confused with the name of a corporation organized under the general provisions of the banking laws of this State; making it unlawful to use any other than the name of the person, or one or more of the persons, or the member or one or more members of said association or persons, or partnerships, or the members of one or more of the members of any institution operating under a common law declaration of trust in the management, conduct or operation of same, providing, however, that the provisions of this Act shall not apply to any person, association of persons, partnerships, trustee or trustees acting under any common law declaration of trust who are, at the time this Act becomes effective and have been for five years next preceding said date, actively engaged in the banking business within this State; making it unlawful to use or employ any part of the funds of the depositors in any such institution in any speculative adventure or enterprise owned or promoted by said bank or institution, or the person or persons owning same, or officers or managers thereof; requiring the filing with the Commissioner of Insurance and Banking annually an affidavit showing solvency of such bank or institution, and the filing for record with the County Clerk of the county in which the principal business of said institution is done of a statement in writing under oath, giving the names of each and all parties or persons interested in said institution; making it unlawful to receive or assent to the reception of any deposits of money or other valuable thing, and making the failure of said bank or institution prima facie evidence of the insolvency of same at the time of the receipt of such deposit or deposits, making it unlawful to publish or advertise in any newspaper that said bank or institution owns, possesses or has a financial responsibil-

ity in excess of the real and true financial responsibility of such person, association of persons, partnership or institution and defining the terms "financial responsibility;" making it unlawful for a newspaper to publish any such statement as herein used; fixing penalties; declaring this Act to be in addition to and supplementary of all the present banking laws of this State, and declaring an emergency."

Read first time and referred to Committee on Insurance and Banking.

By Senator Holbrook:

S. B. No. 53, A bill to be entitled "An Act creating the Freeport Independent School District in Brazoria County, Texas; defining its boundaries including the present Freeport Independent School District; providing for a Board of Trustees in said district, conferring upon said district and its Board of Trustees, all of the rights, powers, privileges and duties now conferred and imposed by the General Laws of Texas upon Independent School Districts and Boards of Trustees thereof providing that the present Board of Trustees continue in office until the expiration of their respective terms, providing that the Board of Trustees of said district may levy, assess and collect taxes for the year 1923, and for future years; and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senators Lewis, Witt, Cousins and Doyle:

S. B. No. 54, A bill to be entitled "An Act to authorize and empower The Beaumont and Great Northern Railroad to acquire, own, maintain and operate all that certain railroad heretofore owned and operated by The Missouri, Kansas and Texas Railway Company of Texas, which railroad begins at a point in the town of Trinity, in Trinity County, Texas, and extends thence in an easterly direction through and across the counties, or parts of the counties of Trinity, Polk and Tyler, to a point in the town of Colmesneil, in Tyler County, Texas; together with the appurtenant franchise and property; and likewise to authorize the purchaser or purchasers thereof at foreclosure sale and any railroad corporation organized by such purchaser

or purchasers under the laws of the State of Texas for the purpose of acquiring and which may have acquired said railroad and appurtenant property and franchises, or any of them, and any other owner or owners thereof, to sell, grant, convey and deliver said railroad, together with all properties and franchises pertaining thereto, to said The Beaumont and Great Northern Railroad; further to authorize The Beaumont and Great Northern Railroad to amend its charter so as to have the right hereunder to extend said railroad, and to authorize The Beaumont and Great Northern Railroad to issue, register, sell and deliver its stock and mortgage bonds, additional to such stock and mortgage bonds as it has issued in respect of properties previously owned by it, to purchase and pay for said railroad, for an amount not exceeding the value of said railroad and properties so acquired as ascertained and fixed by the Railroad Commission of Texas by its order or finding, dated about June 2, 1922, such stock and such mortgage bonds to be issued, executed, registered, sold and delivered in accordance with the Railroad Stock and Bond Law of Texas, and declaring an emergency."

Read first time and referred to Committee on Internal Improvements.

By Senator Witt:

S. B. No. 55, A bill to be entitled "An Act to amend Section 14 of an Act of the Thirty-third Legislature of the State of Texas, approved April 2, 1913, known as Chapter 106 of the Laws of the Thirty-third Legislature, Regular Session, found in the printed laws, page 195, at page 201, so as to authorize the State Insurance Commission to give credit for a good fire record made by any city, town, village or locality, and also to authorize the said State Insurance Commission to provide a penalty for a bad fire record made by any city, town, village or locality. To repeal all laws and parts of laws in conflict herewith, and declaring an emergency."

Read first time and referred to Committee on Insurance and Banking.

By Senator Witt, by request:

S. B. No. 56, A bill to be entitled "An Act to discourage, and so far

as may be, prevent fire waste in the State, and to prevent loss of life through fires, and to forbid over-insurance of property or interest therein against loss by fire, to provide that no owner of property or interest therein shall knowingly take out or procure insurance against any loss by fire on the same in excess of the reasonable value of the interest of the insured in the property; to provide that no owner of any interest in property shall collect, under any policy or policies, loss in excess of the actual loss sustained. To forbid agents of Fire Insurance Companies from knowingly granting insurance in favor of any property in excess of the reasonable value of the property or of insurance of any interest in property in excess of the interest held by the assured and from granting any permit for insurance in excess of the value of the property, or in excess of the value of the interest of the insured in the property, knowing that such permit is for insurance in excess of the value of the interest of the insured in the property. To forbid general agents from knowingly approving excessive insurance or knowingly permitting policies constituting excessive insurance to remain in force; and to permit insurance companies from knowingly approving excessive insurance or knowingly permitting such policies constituting excessive insurance to remain in force; to provide penalties for a violation of this Act. To provide a limitation in the collection of insurance when the property is intentionally over-insured and the fire originates on the premises. To repeal all laws and parts of laws in conflict herewith, and declaring an emergency."

Read the first time and referred to Committee on Insurance and Banking.

By Senator Witt, by request:

S. B. No. 57. A bill to be entitled "An Act to amend Chapter 15 of an Act of the Thirty-sixth Legislature, passed at its regular session, which Act was approved February 19, 1919, and was known as Chapter 15 of the Laws of said Legislature, so as to provide that said Act shall not apply to policies of insurance covering upon personal property and to make said Act as amended read as hereinafter set out and to repeal all laws

and parts of laws in conflict herewith and declaring an emergency."

Read the first time and referred to Committee on Insurance and Banking.

By Senator Davis:

S. B. No. 58, A bill to be entitled "An Act to repeal Articles 6802 and 6805 of the Revised Statutes of Texas of 1911 relating to the privy acknowledgement of married women, and to amend Articles 1114 and 1115 so as to omit the requirement in said Articles of the separate and privy acknowledgement of the wife."

Read the first time and referred to Committee on Civil Jurisprudence.

Senate Joint Resolution No. 1.

By Senator Davis, by request:

Amending Article 16 of the Constitution of Texas by adding thereto a new section designated as Section 60, giving to the Legislature power and authority to publish or print or have published or printed all books furnished to and used by the public schools of Texas, providing for submission of resolution to voters of Texas and making appropriation therefor.

Read first time and referred to Committee on Constitutional Amendments.

Simple Resolution No. 14.

By Senator Pollard:

I move and request that Senators Stuart and Davis be added to the Committee on Judicial Districts.

The resolution was read and adopted.

Simple Resolution No. 15.

By Senator Bledsoe:

Whereas, Many copies of the House and Senate Bills, together with the unbound volumes of the House and Senate Journals have accumulated in the office of the Sergeant-at-arms and are of no use; therefore be it

Resolved, That the Sergeant-at-arms be authorized to destroy such copies of the Journals and bills.

The resolution was read and adopted.

Statement from Senator Bowers.

Senator Bowers, by unanimous consent, offered the following statement,

which was ordered printed in the Journal:

I desire to have the following statement printed in the Journal:

"At the time that the simple resolution was voted upon, inviting James E. Ferguson to address the Senate, on January 10, 1923, I was absent from the Senate Chamber, being before the Court of Civil Appeals, and had I been present I would have voted against said resolution."

BOWERS, 19th Senatorial District.

Simple Resolution No. 16.

By Senator Burkett:

Be it Resolved, By the Senate of Texas:

That we heartily commend and endorse the efforts being made by the Honorable J. M. Parker, Governor of Louisiana, in behalf of the enforcement of law, the vindication of the constitutional rights of American citizens and against the rule of hooded mobs and masked political organizations.

Burkett, Rogers and Turner.

The resolution was read, and Senator Burkett moved its adoption.

Senator Wood moved to refer the resolution to the Committee on State Affairs.

Senator Burkett moved to table the motion to refer.

Yeas and nays were demanded and the motion to table was lost by the following vote.

Yeas 10.

Bailey.	Murphy.
Burkett.	Parr.
Darwin.	Rogers.
Floyd.	Strong.
Holbrook.	Turner.

Nays 18.

Baugh.	Pollard.
Bledsoe.	Rice.
Bowers.	Ridgeway.
Cousins.	Stuart.
Davis.	Thomas.
Doyle.	Watts.
Dudley.	Witt.
Lewis.	Wood.
McMillin.	Woods.

Absent—Excused.

Clark.	Fairchild.
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Question recurring on the motion to

refer the resolution to the Committee on State Affairs, it prevailed.

Executive Message.

(Lieutenant Governor Davidson in the Chair.)

A message from the Governor having been received, was laid before the Senate, and read as follows:

Executive Department.

Austin, Texas, January 11, 1923.

To the Members of the Senate and House of Representatives of the 38th Legislature:

I have been advised by your respective committees that you have perfected your organizations and are now ready for the dispatch of such business as may come before you.

With the assembling of each Legislature the Constitution of the State requires, in connection with your work, certain duties of me as to contemplated legislation. With a view of complying with this constitutional provision, I shall be glad, if it is entirely in accord with your views, to meet the Senate and House in joint session, at eleven o'clock, Friday morning, January 12, or at any hour thereafter that may be more convenient to your honorable bodies.

Awaiting your reply, I am,

Yours most sincerely,

PAT M. NEFF, Governor.

Recess.

On motion of Senator Dudley, the Senate at 10:30 o'clock a. m. recessed until 3 o'clock p. m. today.

Afternoon Session.

The Senate was called to order by Lieutenant Governor Lynch Davidson at 3 o'clock p. m.

Invitation to Revival Services.

An invitation from Rev. Edward R. Barcus, pastor First Methodist Church of Austin, for members of Senate to attend revival services now being conducted by Rev. Burke Culpepper in Austin, was read.

On motion of Senator Wood, the invitation was accepted.

Bills and Resolutions.

(By Unanimous Consent.)

By Senator Murphy:

S. B. No. 59, A bill to be entitled "An Act regulating the employment of women and minors and establishing a Minimum Wage Commission to investigate and deal with such employment, including the fixing of a minimum wage; providing for the manner of selection and employment of said commission, fixing the membership of said commission and its compensation and duties, and the term of office of its members; providing for the creating of wage boards and of fixing the duties thereof; providing for appropriation therefor, and fixing penalties for the violation thereof, and declaring an emergency."

Read first time and referred to Committee on Labor.

By Senator Bledsoe:

S. B. No. 60, A bill to be entitled "An Act creating the Ninety-second Judicial District to be composed of the counties of Young, Archer and Clay and fixing the terms of said court; providing for the appointment of a District Judge; providing that the Thirtieth Judicial District now composed of the counties of Young, Archer and Clay and Wichita shall hereafter be composed of Wichita County alone and fixing the terms of the Thirtieth Judicial District; providing for officers of the court and preserving the status of cases and proceedings, and providing that the County Attorneys of the respective counties within said Ninety-second District shall perform the duties of District Attorney in their counties as well as the duties now performed by them and providing fees of office, and declaring an emergency."

Read the first time and referred to Committee on Judicial Districts.

By Senators Wood and Dudley:

S. B. No. 61, A bill to be entitled "An Act in the interest of maternity and infancy welfare and hygiene; accepting the provisions of the Act of the United States Congress approved November 23, 1921, entitled 'An Act for the promotion of the Welfare and Hygiene of Maternity and Infancy Purposes,' commonly known as the Shepard-Towner Act;

providing that work shall be carried on through the State Board of Health through its Bureau of Child Hygiene; and declaring an emergency."

Read first time and referred to Committee on Public Health.

By Senator Wood, by request:

S. B. No. 62, A bill to be entitled "An Act to amend Title 66, Chapter 3, Revised Statutes of 1911, by adding thereto Article 4592a, defining self-rising flour, and the ingredients thereof, prescribing the weight of available carbon dioxide gas, and the percentage of chemical leavening ingredients, providing that the package or container in which it is sold shall be labeled in plain letters in the English language, stating the percentage by weight of each of the acid ingredients, fixing a penalty, and declaring an emergency."

Read first time and referred to committee on Public Health.

By Senators Bledsoe, Burkett and Floyd:

S. B. No. 63, A bill to be entitled "An Act to amend Articles 3864, 3866 and 3898 of the Revised Civil Statutes of the State of Texas, of 1911, providing for the fees of Sheriffs in civil suits, and providing the ex-officio salary of Sheriffs, and providing that officers in counties of less than twenty-five thousand inhabitants shall not be required to keep statements and make reports as provided in Articles 3894 and 3895 of the Revised Statutes of the State of Texas of 1911; and to amend Articles 1122, 1130 and 1175 of the Code of Criminal Procedure of the State of Texas, 1911, to provide that Sheriffs and other peace officers shall receive four dollars per day for attending a prisoner on habeas corpus hearing; and to amend Article 1142 of the Code of Criminal Procedure of the State of Texas of 1911 so as to define the compensation to be paid Sheriffs for the safe keeping, maintenance and support of prisoners; and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Davis:

S. B. No. 64, A bill to be entitled "An Act to amend Article 7106 of the Revised Civil Statutes of Texas

of 1911 which relates to recovery and defendant's replevy bond in sequestration, by providing that the value proven shall be either that of the time of the trial, as the plaintiff may elect; and to amend Article 7111 of the Revised Civil Statutes of Texas of 1911 relating to recovery on plaintiff's replevy bond in sequestration by providing that the value proven shall be either that of the time of the execution of the replevy bond or that of the time of the trial, as the defendant may elect."

Read the first time and referred to Committee on Civil Jurisprudence.

By Senator Davis:

S. B. No. 65, A bill to be entitled "An Act reviving the Bill of Discovery in accordance with the usages of courts of equity; making such remedy cumulative and declaring an emergency."

Read the first time and referred to Committee on Civil Jurisprudence.

By Senator Davis:

S. B. No. 66, A bill to be entitled "An Act to provide that any suit for the recovery of any land or tenement or interest therein, or for the removal of cloud from the title thereto, or for cancellation of any instrument of writing relating thereto founded or predicated on the claim that an instrument purporting to convey such lands, tenements or interests therein, or creating any rights therein, was not properly or legally acknowledged by a married woman grantor therein, or where it is essential to such recovery, cancellation or removal of cloud, to show that an instrument was not properly or legally acknowledged, shall be brought within twelve months next after the date such acknowledgment was taken and not thereafter; and provided further that the interested parties shall have twelve months from the date of the taking effect of this law in which to bring any such suit when acknowledgment was taken prior to the taking effect of this law; providing for the repeal of all laws and parts of laws in conflict, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

Senate Concurrent Resolution No. 6.

By Senators Woods and Dudley:

Whereas, At the regular session of the Thirty-seventh Legislature on the 12th day of March, A. D. 1921, an Act was passed by said Legislature and duly approved by the Governor of Texas, creating a Board of Managers for the State Railroad, prescribing its duties, responsibilities and powers. In accordance with its terms, Lieutenant Governor Lynch Davidson was made Chairman of said Board and J. A. Glen and E. C. Durham, members of said Board, which Board was directed by the Act to proceed at once to take charge of said Texas Railroad and carry out the purpose and provisions of said Act;

And, Whereas, Said Board of Managers has heretofore and also at this session of the Thirty-eighth Legislature presented its reports, showing receipts, disbursements, balances and conditions of the said property and their action in regard thereto, and it is desired that said reports may be duly considered, examined and verified by a committee from the Senate and the House, which committee shall visit the said Texas Railroad property, inspect the same and the conditions thereof, and make report to this session of the Thirty-eighth Legislature; now, therefore be it

Resolved by the Senate of the Thirty-eighth Legislature, the House of Representatives concurring therein, that the President of the Senate shall appoint three members of the Senate and the Speaker of the House shall appoint three members of the House of Representatives who shall compose a joint committee to visit and carefully inspect the said Texas State Railroad property and the reports made by the Board of Managers and make their report in writing to this session of the Thirty-eighth Legislature of their visit and findings in regard to such condition and reports from the Board of Managers.

The necessary traveling expenses of said joint committee shall be paid out of the contingent expense fund of the two houses in the regular way on the presentation of expense accounts duly verified and approved.

The resolution was read and adopted.

Simple Resolution No. 17.

By Senator Darwin, et al.:

Whereas, The Pages who work in

the House of Representatives receive two dollars and fifty cents (\$2.50) per day;

Therefore, We move that the pay of the Pages in the Senate be made \$2.50 per day, instead of \$2.00 per day.

Darwin, Ridgeway, Parr, Watts, Stuart, Davis, Bowers, Pollard, Wood, Burkett, Turner, Cousins, Doyle, Bailey, Baugh, Holbrook, Thomas.

The resolution was read.

Senator Woods moved to refer the resolution to the Committee on Contingent Expenses.

Senator Darwin moved to table the motion to refer, and the motion to table was lost.

The question recurred on the motion to refer the resolution to the Committee on Contingent Expenses.

Yeas and nays were demanded and the motion to refer was lost by the following vote:

Yeas 8.

Doyle.	Pollard.
Dudley.	Rogers.
McMillin.	Thomas.
Murphy.	Woods.

Nays 14.

Bailey.	Ridgeway.
Bowers.	Strong.
Cousins.	Stuart.
Darwin.	Turner.
Davis.	Watts.
Holbrook.	Witt.
Parr.	Wood.

Absent.

Baugh.	Floyd.
Bledsoe.	Rice.
Burkett.	

Absent—Excused.

Clark.	Lewis.
Fairchild.	

On motion of Senator Darwin the resolution was adopted.

Excused.

Senator Lewis was excused for to-day on motion of Senator Wood, on account of important business.

Message From the House.

Hall of the House of Representatives,
Austin, Texas, January 11, 1923.

Lieutenant Governor Lynch Davidson,
President of the Senate.

Sir: I am directed by the House to

inform the Senate that the House has passed the following:

S. C. R. No. 1, Relating to the appointment of a committee to count the votes cast in the recent election for Governor and Lieutenant Governor.

S. C. R. No. 2, Relating to the adoption of joint rules of House and Senate.

S. C. R. No. 3, Relating to the handling of the flood waters of the Rio Grande.

S. C. R. No. 5, Relating to the appointment of a representative for the State of Texas in a conference with the State of New Mexico in regard to the storage, division and use of waters of the Pecos River in Texas and New Mexico.

H. C. R. No. 1, Providing for a joint session of the Senate and House to be held at eleven a. m. Friday.

Respectfully submitted,

C. L. PHINNEY,

Chief Clerk, House of Representatives.

H. C. R. No. 1.

The Chair laid before the Senate H. C. R. No. 1,

Providing for the holding of a joint session of the House and Senate at eleven a. m., January 12, 1923, for the purpose of hearing an address from the Governor of Texas.

The resolution was read and on motion of Senator McMillin was laid on the table subject to call.

Senator McMillin was appointed by the Chair as a committee of one to ascertain whether the Governor intended to deliver a written or unwritten message to the Legislature.

(Senator Dudley in the Chair.)

S. B. No. 24 Referred to Finance Committee.

On motion of Senator Wood, S. B. No. 24, which had been referred to the Committee on Educational Affairs, was referred to the Finance Committee.

H. C. R. No. 1.

Senator McMillin called up H. C. R. No. 1, which was laid on the table subject to call.

Senator McMillin reported that he had ascertained from the Governor's secretary that it was the intention of the Governor to deliver an unwritten message to the Legislature.

On motion of Senator McMillin, H. C. R. No. 1 was adopted.

Adjournment.

On motion of Senator Darwin, the Senate at 3:40 p. m. adjourned until 10 o'clock a. m. tomorrow.

APPENDIX.

Petitions and Memorials.

Resolution of Eugene J. Hernandez, Camp No. 1, United Spanish War Veterans, of San Antonio, asking that future legislation place the veterans of all wars of the United States on the same basis.

Committee Reports.

Committee Room,
Austin, Texas, Jan. 11, 1923.
Honorable Lynch Davidson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 27, A bill to be entitled "An Act amending Article 4631 of the Revised Statutes of 1911, inhibiting the granting of divorces but for the cause of adultery, and repealing all laws in conflict therewith."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

BAILEY, Chairman.

Committee Room,
Austin, Texas, Jan. 11, 1923.
Honorable Lynch Davidson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 34, A bill to be entitled "An Act to amend Articles 7800, 7801 and 7803 of Title 130, Chapter 1 of the Revised Civil Statutes of Texas, 1911, so as to provide for the forfeiture of the charter of any domestic corporation and to prohibit any for-

eign corporation from doing business in this State, which has been adjudged guilty of violating the anti-trust laws of this State; prescribing the methods by which the charter of a domestic corporation may be forfeited and a foreign corporation denied the right to do business in Texas; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

Committee Room,
Austin, Texas, Jan. 11, 1923.
Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 15, A bill to be entitled "An Act on the subject of Education, making provision for an opening exercise, in all the class and assembly rooms of the public schools of this State, to consist of readings, without comment, of appropriate passages from the Bible with religious or patriotic song; making it the duty of all School Trustees, Superintendents, Principals and Teachers, to conduct or to cause to be conducted by some one under his or her direction, the exercise provided for herein and making suitable provision for punishment and removal from office, or position of any Trustee, Superintendent, Principal or Teacher who fails or omits to discharge the duties devolved on him or her by the provisions of this Act, and also providing in a directory provision for prayer as a part of the exercise, whenever it is practicable, and exempting any child or children from participating in said exercises whose parent or guardian objects because of conscientious religious scruples."

Have had the same under consideration, and I am instructed by the Committee to report the same back to the Senate with the recommendation that it do pass.

WOOD, Chairman.

Committee Room,
Austin, Texas, Jan. 11, 1923.
Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Ed-

ucational Affairs, to whom was referred

S. B. No. 28, A bill to be entitled "An Act creating the Kerrville Independent School District in Kerr County, and declaring an emergency."

Have had the same under consideration, and I am instructed by the committee to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WOOD, Chairman.

FOURTH DAY.

Senate Chamber,
Austin, Texas,

Friday, January 12, 1923.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Lynch Davidson.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Parr.
Baugh.	Pollard.
Bowers.	Ridgeway.
Burkett.	Rogers.
Cousins.	Strong.
Darwin.	Stuart.
Davis.	Thomas.
Doyle.	Turner.
Dudley.	Watts.
Floyd.	Witt.
Holbrook.	Wood.
McMillin.	Woods.
Murphy.	

Absent—Excused.

Bledsoe.	Lewis.
Clark.	Rice.
Fairchild.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Murphy.

See Appendix for standing committee reports and petitions.

Excused.

Senator Fairchild for today and until Monday, on account of sickness in his family, on motion of Senator Bailey.

Senator Lewis for today and until Monday, on account of illness, on motion of Senator Murphy.

Senator Rice for today and until Monday, on account of illness, on motion of Senator McMillin.

Senator Bledsoe for today and until Monday, on account of illness, on motion of Senator Dudley.

Bills and Resolutions.

By Senator Burkett:

S. B. No. 67, A bill to be entitled "An Act to require the teaching of vocational studies in the public schools of Texas, such as agriculture, horticulture, stock raising, home economics and kindred studies, and to require the President of A. & M. College and the State Commissioner of Agriculture to formulate courses of study in the department herein created, and to require the State Superintendent of Public Instruction and Commissioner of Agriculture to formulate regulations for teaching both literary and vocational studies in public school houses, and requiring the State University and its subsidiary branches to give special attention to the education of teachers to teach in the lower public schools, and authorizing the selection of candidates for teachership, and requiring district selecting such candidates to pay all expenses of educating such candidates when so educated to teach in the lower schools and also to pay back to the school district that selected them all moneys forwarded to them by said district, and prescribing a penalty on teachers that default in such teaching, or in such payment of funds, and in order to provide means for school districts to pay such expenses a school farm to be attached to every public school house and the proceeds of such farm to be devoted, after paying for farm, to defray the expenses of candidates for teachership at the higher schools, and pointing out how such farms be acquired, held and operated, and requiring school trustees and the teacher of vocational studies to manage such farm and prescribing payment for such services, and requiring all pupils attending the school to render service on said farms and prohibiting the payment of other than pupils for work on the school farm, and to require the building a teacher's home, and requiring the occupant of such homes to keep up all repairs, and insure same; and providing when